



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

March 4, 2014

Suzanne Iselt
618 Pico Place
Santa Monica, CA 90405

**REGARDING: PROJECT NO. R2012-02851-(2)
CONDITIONAL USE PERMIT NO. 201200162
20218S. Wilmington Ave., Rancho Dominguez (APN: 7318011810)**

Hearing Officer Susan Tae, by her action of **March 4, 2014**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **March 18, 2014**. **Appeals must be delivered in person.**

Appeals: To file an appeal, please contact:
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Travis Seawards of the Zoning Permits West Section at (213) 974-6462, or by email at TSeawards@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


M. Kim, Supervising Regional Planner
Zoning Permits West Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement;
MKK:TSS

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02851-(2)
CONDITIONAL USE PERMIT NO. 201200162**

1. **ENTITLEMENT REQUESTED.** The applicant, T-Mobile, is requesting a Conditional Use Permit (CUP) to authorize the continued operation and maintenance of a wireless telecommunications facility pursuant to County Code Section 22.32.190 in the M-2 (Heavy Manufacturing) Zone.
2. **HEARING DATE.** March 4, 2014
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held on March 4, 2014 before the Hearing Officer. The applicant's representative, Suzanne Iselt, presented testimony in favor of the request and agreed to the Conditions of Approval for the project.

Staff read the following changes into the record:

- New Condition added under Permit Specific Conditions: This grant shall authorize the continued use, operation, upgrade and maintenance of a wireless telecommunications facility.
- Finding No. 17 has been amended to remove any mention of fences or fencing.
- Condition No. 26 has been amended to read: The facility shall be maintained as depicted in the photo simulations presented at the public hearing.
- Condition No. 30 has been amended to read: The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features, and shall be graffiti-resistant.
- Condition No. 34 has been removed.

In addition, the Hearing Officer asked for one additional change to the Findings so that the phrase "and is served by adequate utilities and services" was removed from Finding 18 and moved to Finding 19.

There being no further testimony, the Hearing Officer closed the public hearing and approved the project subject to the conditions recommended by staff and agreed to by the applicant's representative.

4. **PROJECT DESCRIPTION.** The project is a request for a CUP for the continued operation and maintenance of an existing 55-foot monopalm wireless telecommunications facility with 3 sectors of antennas (2 antennas per sector) for a total of 6 antennas located within a lease area of approximately 400-square feet. Within the fenced lease area are multiple equipment cabinets of up to 8-feet in height. An unassigned parking space is available within the parking lot of the shoe

warehouse facility. The project includes the removal and replacement of six existing antennas with six new Air-21 Antennas, the removal and replacement of existing TMAs with three new twin AWS TMAs, and the installation of a new 8/18 HCS fiber cable. The wireless facility was previously authorized by CUP No. 01-031 on July 23, 2001. The project site is located on a portion of the parking lot adjacent to a shoe warehouse facility (APN 7318011810).

5. **LOCATION.** 20218 S. Wilmington Ave, Rancho Dominguez in the Del Amo Zoned District.
6. **EXISTING ZONING.** The subject property is zoned M-2 (Major Industrial). Surrounding properties are zoned as follows:
North: M-2
South: City of Carson: Industrial uses
East: M-2
West: City of Carson: Residential uses
7. **EXISTING LAND USES.** The subject property is developed with a 21,145-square-foot warehouse shoe facility a parking lot with 31 spaces, fences, 600 square feet of landscaped areas, and the wireless telecommunications facility. Surrounding properties are developed as follows:
North: Manufacturing facilities
South: Oil refinery
East: Manufacturing facilities
West: Single-family residences
8. **PREVIOUS CASES/ZONING HISTORY.** The subject property has the following zoning history:
 - **Ordinance No. 1494**, adopted on September 12, 1927, zoned the area as M-2.
 - **Ordinance No. 6315**, adopted on October 20, 1953, maintained the zoning of the area as M-2.
 - **Plot Plan No. 30436**, approved on October 15, 1980, authorized business signage for the warehouse facility.
 - **Conditional Use Permit No. 01-031**, approved on July 25, 2001, authorized the construction, operation, and maintenance of the existing wireless telecommunications facility.
 - **Zoning Conformance Review No. 2013-01028**, approved on September 25, 2013, authorized the construction and maintenance of rooftop solar panels on the existing warehouse
9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the Major Industrial land use category of the General Plan. This land use designation is intended to "insure that sufficient land is allocated for a wide range of industry related activities serving both the domestic and export markets

and providing jobs for a large portion of the resident labor force.” The continued operation and maintenance of the existing wireless telecommunications facility is consistent with this land use designation as it promotes phone and data communications in the urban area and is therefore consistent with the industry related uses permitted in this land use category.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The project complies with the height, design and security requirements for WTFs (Subdivision & Zoning Ordinance Policy No. 01-2010 regarding Wireless Telecommunications Facilities dated July 26, 2010), as follows:

- Height: The ground-mounted wireless facility is 50-feet and does not exceed the M-2 Zone height limit and is less than 75 feet high, which is the maximum recommended height limit for wireless towers.
- Design: The ground-mounted wireless facility is camouflaged as a monopalm and the appurtenant equipment cabinets are appropriately screened.
- Security: The equipment cabinets are secured with locks.

11. The project is compliant with the development standards for the M-2 Zones as follows:

- Outside storage or display (Section 22.32.200A): The existing facility is within a lease area which is fenced and the lease area will not be used for storage or display of raw materials, equipment, or finished products.
- Parking requirements (Section 22.32.200B): Parking requirements for wireless telecommunications facility are not specifically listed in Part 11 of Chapter 22.52; therefore, the director may require parking necessary to ensure that the use is served with adequate parking to prevent traffic congestion and excessive on-street parking. The wireless telecommunications facility is unmanned and requires periodic maintenance visits only, the frequency of which is estimated at once a month. The appropriate parking for the periodic maintenance visits is one space, which does not need to be solely dedicated to the facility. As the shoe warehouse facility has adequate vehicle parking spaces, one of the spaces provided within that facility could be utilized for the parking of a maintenance vehicle.
- Signage (22.32.200C): The project is a wireless telecommunications facility with no existing or proposed signage.

12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The existing facility has been operated and maintained at this site since 2002 and there have not been any issues or concerns to date. It is anticipated that the continued operation and maintenance of the existing facility, as conditioned, will not have a negative impact on surrounding uses. The facility is compatible with the industrial development in the area as well as other uses permitted in the M-2 Zone. The use is compatible with the subject property which currently operates as a retail shoe store.

13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** County departments were not required to comment on this conditional use permit application as it involves the continuing operation of an existing wireless telecommunications facility.
14. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
15. **PUBLIC COMMENTS.** The public hearing was appropriately noticed. No public comments were received.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

16. The continued operation and maintenance of the existing wireless telecommunications facility is consistent with the Major Industrial land use designation as it promotes phone and data communications and will be compatible with the permitted uses of the underlying land use category. Therefore, the proposed use will be consistent with the adopted general plan for the area.
17. The existing wireless communications facility is appropriately camouflaged as a monopalm structure, and has sufficient setbacks from any street or residential property and is required to comply with all regulations regarding health and safety. Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
18. The wireless telecommunications facility is within a small lease area on a large industrial parcel. Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
19. The facility is within a lease area located on a parcel with direct access to public streets and is served by adequate utilities and services. Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

ENVIRONMENTAL DETERMINATION

20. The project involves the continued use of an existing wireless telecommunications facility with minor upgrading in an urban, developed area. Therefore, the project qualifies as a Categorical Exemption and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
21. **TERM LIMIT:** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to fifteen (15) years.
22. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing/meeting substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or

by local guidelines that this class of projects does not have a significant effect on the environment.

2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201200162 is approved subject to the attached conditions.

ACTION DATE: March 4, 2014

MKK:TSS:AS
2/12/14

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02851-(2)
CONDITIONAL USE PERMIT NO. 201200162**

PROJECT DESCRIPTION

The project is the continued use, operation, upgrade, and maintenance of a wireless telecommunications facility subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5 and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on March 4, 2029.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the wireless telecommunications facility and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The

permittee shall deposit with the County the sum of \$1,600.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for eight (8) biennial (one every other year) inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS – CONDITIONAL USE PERMIT (WIRELESS TELECOMMUNICATIONS FACILITY)

19. This grant shall authorize the continued use, operation, upgrade, and maintenance of a wireless telecommunications facility.
20. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
21. Upon completion of construction of the facility, the permittee shall provide upon request to the Zoning Enforcement Section of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.
22. Insofar as is feasible, the permittee shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
23. Any proposed WTF that will be co-locating on the proposed facility will be required to provide upon request the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of Regional Planning.
24. All structures shall conform to the requirements of the Division of Building and Safety of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.

25. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.
26. If the subject property is adjacent to residences, construction and maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.
27. Placement and height of all pole mounted equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall be maintained as depicted in the photo simulations presented at the public hearing.
28. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways or garages.
29. The maximum height of the facility shall not exceed 55 feet above finished grade.
30. The permittee shall maintain current contact information with the Zoning Enforcement Section of Regional Planning.
31. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features, and shall be graffiti-resistant.
32. The facility shall be maintained in good condition and repair, and shall remain free of general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired by the permittee within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced by the permittee within 30 days of notice. Required landscaping shall be maintained at all times and shall be promptly replaced if needed.
33. Upon request, the permittee shall submit annual reports to the Zoning Enforcement Section of Regional Planning to show compliance with the maintenance and removal conditions.
34. The project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.

35. Upon termination of this grant or after the construction of this facility, the facility has ceased to operate; the permittee shall remove such facility and clear the site of all equipment within six months of the cease of operation date. The permittee shall restore the site as nearly as practicable to the condition prior to the installation of the subject facility.
36. Appurtenant equipment boxes shall be screened or camouflaged.

MKK:TSS

2/19/14